

Appl. No. 10/728585
Amdt. Dated 1-17-06
Reply to Office Action of 10-17-05

Remarks/Arguments

Applicant would like to thank the examiner for reviewing the present application. Applicant respectfully submits the examiner has not satisfied his burden of proof by establishing a prima facie case of non-patentability. In particular, the Office Action does not enable a person of ordinary skill in the art to understand how the examiner has equated Applicant's claimed recitations with the prior art of record and, therefore, voids the Applicant of the opportunity to distinctly rebut the examiner's interpretation of the prior art of record.

Applicant has responded to the Office Action, as best understood, but respectfully requests the examiner to more clearly identify the prior art elements by specific reference numerals so that Applicant can understand how and why the examiner believes the prior art teaches Applicant's claimed recitations. Otherwise, Applicant has to blindly interpret the prior art, which may differ from the examiner's interpretation and, thereby, prolong the prosecution phase of the present application by necessitating undue RCEs and/or CIP applications. Nevertheless, as best understood by the Applicant, the following arguments are made into the record.

Regarding original claims 2, 9 and 16

Applicant has claimed "an elongate support member extending along the length of said pipe and secured thereto at opposed end portions of said pipe and for assisting to maintain same at a substantially stable position during operating conditions". No prior art of record discloses or renders obvious such a claimed limitation. The examiner has equated Taber's elements 80, 90 to Applicant's claimed pipe and support member, respectively. Taber's element 90 is connected to a central or medial portion of its element 80 (see Taber's 1, 2 5 and 6; column 3, lines 57-69), not to element 80's end portions, as specifically recited by the Applicant.

Applicant's original claim 2 further recites, inter alia, "a plurality of elongate ropes having one end portion attached to the rear end portion of said reservoir respectively and further having an opposed end portion attached to a corresponding end portion of said support member so that same can be maintained at a substantially stable position".

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during operating conditions." Neither Taber nor Jones teaches such a claimed recitation and, therefore, any hypothetical combination would not teach all of Applicant's claimed invention. In particular, none of Jones' ropes 44 have an end portion attached to the rear end portion of its tank 12 and to a corresponding end portion of its support member 34. Rather Jones' ropes 44 are attached to a hoist derrick 16 and cross-members 36, which are spaced from its tank 12 (equivalent to Applicant's reservoir) and lashings 78 (equivalent to Applicant's end portions). Jones necessarily requires its ropes 44 to be connected to its hoist derrick 16 to allow the cables 44 to support the heavy weight of the fan 24 and elements 34 during operating conditions. Taber simply has no need for such a function. Therefore, a person of ordinary skill in the art would not combine Jones' rope 44 and hoist derrick 16 arrangements with Taber's simple rod and reservoir 13. To do so would unnecessarily increase the complexity of Taber's simple design and, thereby, increase its manufacturing costs.

Regarding original claims 3, 10 and 17

Applicant claims "wherein said pipe comprises a plurality of flexible couplings spaced apart along a length thereof;

said support member comprises a plurality of hinges spaced apart along a length thereof and substantially aligned with said plurality of flexible couplings;

said plurality of ropes each comprising a fastener attached along a length thereof respectively and removably fastenable to the rear end portion of said reservoir;

the respective opposed end portions of said pipe and said support member being movable between down and up positions about said plurality of flexible couplings and said plurality of hinges so that the amount of fluid dispensed from said pipe can be adjusted as needed, said pipe and said support member being maintainable at up positions when each said fastener is connected to the rear end portion of said reservoir respectively." The examiner has not discussed such claim limitations in the office action and, therefore, has not presented a prima facie case of anticipation or obviousness. Applicant has reviewed the prior art of record and submits no reference teaches or renders obvious such claim recitations.

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Regarding claims 5, 12 and 19

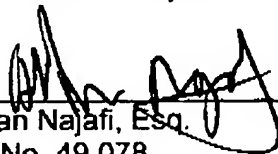
Applicant claims "a plate secured to said dolly, said plate including a pin for pivotally connecting same to said handle so that said dolly can be pulled in different directions during operating conditions." Sauer does not teach such a claimed recitation because Sauer doesn't teach a plate (not identified by the examiner and unknown to the Applicant) rigidly and permanently bolted to its handle (either 23 or 25) and, thereby, does not allow a user to pull the dolly in different directions during operating conditions, as specifically claimed by the Applicant.

It is respectfully submitted that the combined teachings of the references applied by the Examiner fail to disclose or even suggest the subject matter of the amended claims at issue. In view of these considerations, it is respectfully submitted that the rejection of the pending claims should be considered as no longer tenable with respect to the above mentioned arguments and claim amendments. All pending dependent claims necessarily include the recitations of their independent claims and therefore are also in condition for allowance.

Should the examiner consider necessary or desirable to make formal changes anywhere in the specification, claims and/or drawings, then it is respectfully asked that such changes be made by examiner's Amendment, if the examiner feels this would facilitate passage of the case to issuance. Alternatively, should the examiner feel that a personal discussion might be helpful in advancing this case to allowance, he is invited to telephone the undersigned attorney.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,
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